

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

HARVEY SALOUM, No. 03:11-CV-899-HU

Plaintiff, ORDER

v.

ROBIN BOARDMAN and SHELLEY
BOARDMAN,

Defendants.

Harvey Saloum, Pro Se
11315 SE Stevens Rd
Happy Valley, OR 97086

Attorney for Plaintiff

HERNANDEZ, District Judge:

Magistrate Judge Hubel issued a Findings and Recommendation (#6) on October 26, 2011, in which he recommends that this Court grant plaintiff's application to proceed *in forma*

pauperis, but *sua sponte* dismiss the case for lack of subject matter jurisdiction. Judge Hubel also recommended that the case be dismissed with prejudice because the jurisdictional defect cannot be cured. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Hubel's Findings and Recommendation (#6). Accordingly, plaintiff's application to proceed in forma pauperis (#1) is granted, but the case is dismissed with prejudice. Furthermore, any appeal of this dismissal would not be taken in good faith. 28 U.S.C. sec. 1915(a)(3).

IT IS SO ORDERED.

DATED this 21st day of November, 2011.

/s/ Marco A. Hernandez
MARCO A. HERNANDEZ
United States District Judge